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|-------------------------------|------------------------|---------------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 09/235,606 | DUVALL ET AL. | |
| | Examiner | Art Unit | |
| | Charles Chow | 2685 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/3/2004.
2. ☒ The allowed claim(s) is/are 1-5,7-11 and 14-18.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>11/3/2004</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Detailed Action

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Claims 6, 12-13 have been cancelled.

Authorization for this examiner's amendment was given in a telephone interview with attorney Robert Rines on 11/03/2004.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:

Claims 1-5, 7-11, 14-18 are allowable over the prior art of record, the prior art fails to teach singly, particularly, or in combination, the subject matter, having filing date 1/20/1999, for the method, system, of voice and GPS location data over cellular network having a cellular network radio *voice communication path* and a *different* cellular network data communication radio *control channel path*, normally used to set up phone calls, break down phone calls and switch cell sites, each separately communicating along their respective different paths with a network operation control center, the user initial voice calling of control center from a portable cellular phone location and over the cellular network radio voice communication path requesting user location information service, sending a **radio wake-up signal** from the control center **over** cellular network **data communication** radio **control channel path** to be received at said location; providing **a radio transponder and a**

Art Unit: 2685

GPS receiver adapted to receive GPS satellite constellation location data transmission frequency an a microprocessor module at said user location **activating the GPS receiver in response to said wake-up radio signal sent from control center over data communication radio control channel**, and microprocessor process the location data received by the GPS receiver from the GPS satellite, and thereupon to activate the **transponder at user location to transmit the processed received location data over cellular network data communication radio control channel path back to control center**, **associating** at the control center, the transmitted **user location data** received **over cellular data communication control channel path with** the initial user voice call request received **along** cellular network **voice communication path** at control center and sending the requested user location service information from control center to the user, as shown in all the independent claims 1, 6-7, 12-13, 14, 17. The dependent claims are also allowable due to their dependency upon the independent claims.

The closest patent to Brewster et al. (US 5,960,337) teaches the mobile cellular phone 17 contacts the operator 21 of the emergency assistance service EAS 21 for the observed vehicle incident (col. 5, lines 52-62), the EAS operator activated first channel for standard voice message communication with the caller, and activated a second channel for interrogating the GPS receiver/processor to determine, obtaining, the present location information of the EA caller (col. 4, lines 42-56), the phone uses a control signal channel to simultaneously transmit the present location of the phone 17 to the EAS operator 21 (col. 5, line 66 to col. 6, line 5). Brewster et al. fail to teach the **activating the GPS receiver in response to said wake-up radio signal sent from control center over data communication radio control channel**,

Art Unit: 2685

and the sending the requested user location service information from control center to the user.

Other prior arts in below has been considered, but they fail to teach the above claimed features.

Allen, Jr (US 6,710,738 B2) teaches the triggerable remote controller including a command to trigger GPS processor to generate position information and having telemetry transmitter to transmit position information to cellular base station (Fig. 1, abstract), the forward control channel including the command to trigger, activate GPS receiver to transmit processed position data on reverse control channel to cellular base station (abstract, col. 2, lines 28-38, col. 11, lines 52-60, col. 13, lines 22-33, col. 12, lines 15-51). Allen failed to teach the separating voice communication path and a different cellular network data communication radio control channel path, normally used to set up phone calls, break down phone calls and switch cell sites, each separately communicating along their respective different paths with a network operation control center, the user initial voice calling of control center from a portable cellular phone location and over the cellular network radio voice communication path requesting user location information service, the transmitted user location data received over the cellular network data communication radio control channel path by the control center with the initial user voice call request received along the voice communication path at the control center. Allen's application date is later than applicant's filing date 1/22/1999.

Johnson (US 5,986,543) teaches the programmable vehicle monitoring and security system having multiple access verification device, the detecting of a violation of an intrusion detection device, the calling unit establishes a communication with central monitoring station

Art Unit: 2685

for displaying vehicle location on a map, the GPS receiver in vehicle 20 (col. 4, lines 52-65), the reporting of vehicle position (abstract, Fig. 1, col. 6, lines 24-41, col. 23, lines 1-58; col. 28, lines 1-67).

Hollenberg (US 6,091,956) teaches the sending the requested user location service information from control center to the user, the received estimated location information transmitted and displayed on user's handheld computer wireless communication device 2b, from location server (col. 24, lines 12-14) for the user, pedestrian mobile device 18e, requested location information (col. 11, lines 48-56; col. 14, lines 31-57, Fig. 3). Hollenberg fails to activating the GPS receiver in response to said wake-up radio signal sent from control center over data communication radio control channel.

Allen, Jr. (US 6,484,035 B2) teaches the triggerable location reporting apparatus and method having page receiver 34, GPS receiver 48, cellular network transmitter 58. The page receiver received a page addressed to page 34 and transmitting a power on signal 46 to activate GPS receiver 48 to acquire GPS position data regarding the apparatus by transmitting the position data over the reverse control channel RECC to a cellular base station (col. 5, line 62 to col. 6, line 41). Allen fail to teach the activating the GPS receiver in response to said wake-up radio signal sent from control center over data communication radio control channel, and the sending the requested user location service information from control center to the user.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2685

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (703)-306-5615.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)-305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

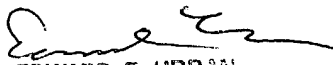
or faxed to: (703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Charles Chow C.C.

November 3, 2004.


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600